



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

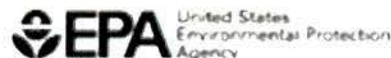
November 20, 2017

Return Receipt Requested

Certified Mail:

W. Kevin Hughes, Chairman
David Collins, Executive Secretary
William Donald Schaefer Tower
Maryland Public Service Commission
6 St. Paul Street, 16th Floor
Baltimore, MD 21202

Mark J. Belton
Secretary
Maryland Department of Natural Resources
580 Taylor Avenue
Annapolis, MD 21401



In Reply Refer To:

DOT# 2016-0361
EPA File Nos. 28R-16-R3,
29R-16-R3, and 30R-16-R3

Ben Grumbles
Secretary
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Re: Closure of ADR Mediation Process

Dear Messrs. Hughes, Grumbles, and Belton:

On November 10, 2017, the U.S. Department of Transportation (DOT), Departmental Office of Civil Rights with the Pipeline and Hazardous Materials Safety Administration, and the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office received notification through EPA's Alternative Dispute Resolution Law Office that the parties participating in the Alternative Dispute Resolution (ADR) mediation process related to the above-referenced complaints, the Maryland Public Service Commission, the Maryland Department of the Environment, and the Maryland Department of Natural Resources -- collectively, "recipients," and the Brandywine TB Coalition and Patuxent Riverkeeper -- collectively, "complainants") had not been able to reach unanimous agreement on a proposed settlement to resolve the issues of the complaints. In light of this information and consistent with our procedures, at this time, DOT and EPA have determined that the ADR process has concluded without resolution. Accordingly, the agencies are reinitiating the investigation of the above-referenced complaint as of the date of this letter. The issues originally accepted for investigation are:

1. Whether the process and decision to issue a Certificate of Public Convenience and Necessity (CPCN) to Mattawoman Energy, LLC for the construction of a natural gas-

fired power plant in Brandywine, Maryland discriminated on the basis of race, color, or national origin, in violation of Title VI; and

2. Whether the public engagement process prior to the decision to issue a CPCN discriminated on the basis of race, color, or national origin, in violation of Title VI.

Please note that DOT and EPA plan to reach out soon to the Complainants as well as the Recipients to discuss next steps, including the possibility of entering an informal resolution agreement to resolve the complaint.


Also, we would like to remind you that no applicant, recipient or other person may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. See 49 C.F.R. § 21.11(e); see also 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with DOT and/or EPA. Any questions or concerns that you have regarding the investigative process and your rights can be discussed with the investigators.

If you have any questions about the investigation, please feel free to contact Ryan Fitzpatrick, Lead Civil Rights Analyst in DOT's Departmental Office of Civil Rights, or Brittany Martinez, Case Manager in EPA's External Civil Rights Compliance Office. Mr. Fitzpatrick can be reached at (202) 366-1979, or ryan.fitzpatrick@dot.gov. Ms. Martinez can be reached at (202) 564-0727, or Martinez.brittany@epa.gov.

Sincerely,



Yvette Rivera, Associate Director
Departmental Office of Civil Rights
U.S. Department of Transportation



Lilian S. Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency



Rosanne Goodwill, Director
Office of Civil Rights
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation